

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 15, 2014

The Southeast Cass Water Resource District met on October 15, 2014, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager (by telephone); Carol Harbeke Lewis, Secretary-Treasurer; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Vern Bennett, Cass County Commissioner; Barbara Olive, representing Jacob Gust; Kevin Bucholz, Engineer for City of West Fargo; Chris Brungardt, West Fargo Director of Public Works; George Grossman, City of West Fargo; Dave Paulsen and Matt Kinsella, Apex Engineering Group, Inc.; Harold Slaughter, Jim Burgard, Don Pederson, and SallyJo Eide, property owners in Raymond Township.

Minutes

It was moved by Manager Jacobson, seconded by Manager Brodshaug, and unanimously carried to approve the minutes of the September 17, 2014, meeting.

Approval of Agenda

It was moved by Manager Jacobson, seconded by Manager Yohe, and unanimously carried to approve the agenda, as amended.

City of West Fargo lagoon expansion project

Possible solutions to flooding west of the West Fargo lagoons was discussed. Property owners in that area along Cass County Highway 10 have expressed concerns about the West Fargo lagoon expansion project worsening flooding conditions. A study conducted by Moore Engineering, Inc. found there to be minimal impacts from the lagoon expansion project, but confirmed the adjacent properties would experience flooding due to the low elevation of the properties.

Kevin Bucholz said the City of West Fargo would be willing to lower or remove the approach into the new lagoon cell, but the best remedy is for the property owners to raise their dikes. Jim Burgard said there is not room to do that. Another option is to lower the township road between Sections 1 and 2 in Mapleton Township.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to look at the low flow conditions along Cass County Highway 10 and

26th Street NW, working with the Cass County Highway Department on the matter, and to request the City of West Fargo remove the approach into the northwest corner of the new lagoon cell in Section 1 of Mapleton Township. Upon roll call vote, the motion carried unanimously. Any remaining issues will need to be worked out by the City of West Fargo, Mapleton Township and the property owners.

A letter from the North Dakota Department of Health sent to Moore Engineering, Inc. concerning Lagoon Cell No. 10 and Sewer Improvement District No. 1253 was reviewed and discussed. Chris Brungardt stated that the current lagoon project was designed to serve a population increase of approximately 45,000 people. Based on current growth projections for the City of West Fargo, there should be no further improvement or expansion of wastewater treatment/disposal methods needed for approximately 10 years, unless more industry moves into the area.

Animal Damage Control

Carol Harbeke Lewis reported receiving a call regarding a problem with beaver causing tree damage and destruction along the Sheyenne River in West Fargo. Currently, the City of West Fargo Police Department, Water Resource District office, and Moore Engineering receive calls from city residents regarding animal damage control events. Following discussion, it was agreed that all future complaints on the river through the city should be referred to the City of West Fargo Police Department in the future.

Drain #21 – North Dakota Department of Transportation (NDDOT) *Permanent Maintenance Easement*

Sean Fredricks and Chad Engels contacted Brad Faiman with the NDDOT to discuss a request from the NDDOT for a *Permanent Maintenance Easement* on Drain #21 for work on Main Avenue. Proposed language changes are being considered by the NDDOT.

Drain #21 Improvements

Mr. Engels reported the bid opening for the Drain #21 Improvements Project has been delayed due to an expanded scope of work.

It was moved by Manager Jacobson and seconded by Manager Brodshaug to authorize Moore Engineering, Inc. to proceed with a study on Drain #21, at a cost not to exceed \$10,000, and to discuss project options with the City of West Fargo. Upon roll call vote, the motion passed unanimously.

Sheyenne-Maple Flood Control District #1 - roadway improvements on 12th Avenue North at the north tieback levee

Matt Kinsella updated the Board on the proposed improvements to 12th Avenue North from Cass County Highway 19 to 45th Street, which will cross the Sheyenne-Maple Flood Control District #1 north tieback levee. The project will be bid in February 2015.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Water Resource District Engineer to send a letter to the Corps of Engineers, along with documentation regarding roadway improvements on 12th Avenue North, where the

project crosses the Sheyenne-Maple Flood Control District #1 north tieback levee, and inform them the Water Resource District has no issues with the project, provided the project sponsor addresses any comments returned from the Corps of Engineers. Upon roll call vote, the motion passed unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve 3 *Temporary Construction Easements* with the City of Fargo and 2 *Temporary Construction Easements* with the City of West Fargo regarding the roadway improvements project on 12th Avenue North from Cass County Highway 19 to 45th Street, crossing the Sheyenne-Maple Flood Control District #1 north tieback levee. Upon roll call vote, the motion passed unanimously.

Mr. Kinsella agreed to submit a *Utility Permit* to the Board for the project.

Sheyenne-Maple Flood Control District #1 - Lease Agreement with H & S Contracting, Inc.

The Secretary-Treasurer reported that the Water Resource District is in receipt of the signed *Lease Agreement*, proof of insurance, and required deposit from H & S Contracting, Inc. Brady Woodard presented pictures of the property site, showing the improvements made to the road and gate as well as the materials being stored.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Lease Agreement* with H & S Contracting, Inc. on Sheyenne-Maple Flood Control District #1 property. Upon roll call vote, the motion passed unanimously.

Sheyenne-Maple Flood Control District #1 – gate installation and turn-around

Mr. Woodard presented pictures of the work completed on the Sheyenne-Maple Flood Control District #1 outside levee where the frontage road ends south of I-94 and at 26th Street West.

Application to Drain No. 4520 - Cass County Drain No. 10 Improvement Project

The Board reviewed information from the State Engineer regarding *Application to Drain No. 4520*, previously submitted by the Southeast Cass Water Resource District regarding the proposed *Cass County Drain No. 10 Improvement Project*. The Board declares the *Cass County Drain No. 10 Improvement Project* necessary, and concludes the project will benefit the Drain #10 watershed. The Board previously directed Moore Engineering to prepare an application on the Board's behalf regarding a surface drainage permit from the North Dakota Office of the State Engineer. The project will include modifications to Drain #10, including slide repairs and slide slope improvements to prevent erosion and sloughing.

The Board submitted a drainage permit application regarding the Drain #10 Project to the Office of the State Engineer, as required under North Dakota law. The State Engineer reviewed the application and concluded the project is not "of either statewide or interdistrict significance." The State Engineer subsequently forwarded *Application to Drain No. 4520* to the Board for consideration, review, and final approval in accordance with North Dakota law.

The Board reviewed and adopted Moore Engineering's proposed responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will acquire any necessary right of way to accommodate the project, and the right of way acquisition will eliminate adverse impacts to private landowners. Therefore, the Board concluded, no hearing was necessary.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Application to Drain No. 4520* for the Southeast Cass Water Resource District regarding the *Cass County Drain No. 10 Improvement Project*, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

Carol Harbeke Lewis will provide the original, signed permit and all supporting documents to Aaron Carranza at the Office of the State Engineer.

Drain #3 - notice from the Fargo City Forester to remove trees at 3502 10th Street North

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to contact the Fargo City Forester and hire a contractor to remove trees from Drain #3 at 3502 10th Street North. Upon roll call vote, the motion passed unanimously.

Drain #40 - dirt removal

Mr. Woodard stated that Industrial Builders, Inc. is interested in removing the excess spoil at Drain #40. It was agreed that removal of the dirt would be of benefit to the Water Resource District and preserve the integrity of the drain. It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to negotiate with Industrial Builders, Inc. for the removal of excess spoil from Drain #40. Upon roll call vote, the motion passed unanimously.

In the future, it was agreed that each request should be considered on a case by case basis, as the development of a policy for the removal / sale of spoil will be unique to the project or situation. The Board would prioritize use of any excess spoil for Water Resource District projects, then for Metro Flood Diversion Project needs. The Board asked the Water Resource District Engineer to include identification of excess spoil in future facilities inspections.

Sheyenne River and Wild Rice River Snagging and Clearing

Proposals for the 2014-2015 Sheyenne River and Wild Rice River Snagging and Clearing Projects were reviewed. It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer and Moore Engineering, Inc. to submit the 2014-2015 Sheyenne River and Wild Rice River Snagging and Clearing projects to the Office of the State Engineer for cost share consideration. Upon roll call vote, the motion passed unanimously.

Weather station development

It was moved by Manager Yohe and seconded by Manager Jacobson to install three weather stations to measure soil temperature and moisture levels, at a cost not to exceed \$20,000. Upon roll call vote, the motion passed unanimously.

Water quality pilot project update

Mr. Engels reported that Barr Engineering Company had visited potential sites selected by Moore Engineering, Inc. for the water quality pilot project and gathered the data required for finalizing site selection. It is anticipated the feasibility study and cost estimates will be received by the first week of November.

State Water Commission cost-share

Mr. Fredricks reported on a new cost-share policy implemented by the State Water Commission requiring Water Resource Districts to conduct an engineering selection process for projects exceeding a cost threshold of \$50,000. It was suggested that the Water Resource District appoint all of its members as the Agency Selection Committee for purposes of conducting the requisite engineering selection process.

It was moved by Manager Jacobson and seconded by Manager Yohe to appoint all three members of the Southeast Cass Water Resource District as the Agency Selection Committee, to publish the *Request for Qualifications* in the Fargo Forum and to approve the *Agency Selection Committee Initial Report*. Upon roll call vote, the motion passed unanimously.

The *Agency Selection Committee Initial Report* is attached to and made a part of these minutes.

Utility Permits, Cass County and City of West Fargo Planning items, and Application No. S-1926 for the City of Fargo

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the following *Utility Permits*, subject to conditions provided by the Water Resource District Engineer:

- For Northern States Power Company to install a gas line under Drain #53 on the north side of 64th Avenue South;
- For Midcontinent Communications to install conduit and fiber under Drain #27 on the north side of 38th Avenue SW;
- For Midcontinent Communications to install conduit and fiber under Drain #27 on the north side of 44th Avenue South;
- For Midcontinent Communications to install conduit and fiber under Drain #21 on the north side of 13th Avenue West;
- For Century Link to install fiber under Drain #21 on the south of Main Avenue; and
- For MVM Contracting, Inc. to install 1-2" duct for fiber main under Drain #10 on the north side of 12th Avenue North.

Upon roll call vote, the motion passed unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to direct the Secretary-Treasurer to submit any comments provided by the Water Resource District Engineer as follows:

- To the Cass County Planner regarding the application for Callies Run Subdivision in the E 1/2 SE 1/4 of Section 1 in Pleasant Township; and
- To the Fargo Department of Planning and Development regarding the November preliminary packet.

Upon roll call vote, the motion passed unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to direct the Water Resource District Engineer to submit comments to the Office of the State Engineer regarding *Application No. S-1926* for the City of West Fargo to install a sanitary sewer crossing and storm sewer outfall in the SE 1/4 SE 1/4 of Section 31 in Reed Township. Upon roll call vote, the motion passed unanimously.

Bills

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #11416 through #11437, #11450 and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Meeting Schedule

The next two meetings of the Southeast Cass Water Resource District have been rescheduled for November 10 and December 10, 2014, both at 1:30 p.m.

Stockpile adjacent to Cass County Drain #40

It was moved by Manager Jacobson and seconded by Manager Yohe to send a letter to Opp Construction, LLC, requesting relocation of the stockpile in their construction yard located adjacent to Drain #40 and I-29. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer